
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 4368 OF 2025

**ANAND
SUDHAKAR
SUDAME**

Yogita Kalpesh Patil

.. Petitioner

Versus

The State of Maharashtra & ors.

.. Respondents

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by ANAND

SUDHAKAR
SUDAME

Date: 2025.08.19
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Mr. Ashwin Kapadnis a/w. Mr. Vivek B. Rane, Advocates, for the
Petitioner

Mrs. Rutuja Ambekar, APP, for the Respondent – State

Mr. Ganesh S. Patil a/w. Mr. Prasad Vartak, Mr. Akash Ahire &
Mr. Amol Raut, Advocates, for Respondent No. 3

**CORAM : RAVINDRA V. GHUGE
&
GAUTAM A. ANKHAD, JJ.**

DATE : 14th AUGUST, 2025

P. C.

1. This Petition is filed by the biological mother of a girl child,
invoking Writ of *habeas corpus*.

2. It is an admitted position that the child was handed over by the
Petitioner's mother to the custody of the husband, Respondent No. 3. It is
plainly submitted that the Petitioner has married another man. The grievance of
Respondent No. 3 is that though he is legally the husband of the Petitioner and

though the divorce proceedings are pending before the Family Court, the Petitioner could not have got married to another man.

3. The Petitioner states that she is willing to give divorce by consent to Respondent No. 3. However, claim of the custody will have to be decided by the Family Court.

4. Since the petition filed by Respondent No. 3 husband, seeking a divorce, is pending before the Family Court, the claim of the Petitioner to the extent of visitation rights and/or custody of the girl child can be looked into, if there is no other legal impediment.

5. In view of the above, **this Petition is disposed off.**

[GAUTAM A. ANKHAD, J.]

[RAVINDRA V. GHUGE, J.]